

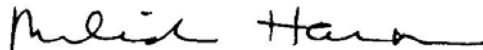
**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

UNITED STATES OF AMERICA,	}	
<i>Plaintiff-Respondent</i>	}	
	}	
v.	}	CRIMINAL ACTION NO. H-01-182-1
	}	CIVIL ACTION NO. H-04-3513
ALBA VERDIN,	}	
<i>Defendant-Petitioner</i>	}	

MEMORANDUM AND ORDER

Presently before the Court are Petitioner Alba Verdin's Motion to Vacate, Set Aside or Correct Sentence pursuant to 28 U.S.C. § 2255 (Doc. 67), the United States's Answer (Doc.70), and Motion to Dismiss (Doc. 71), and the Magistrate Judge's Memorandum and Recommendation (Doc. 72). Petitioner has failed to comply with the statute of limitation in 28 U.S.C. § 2255(1) and has failed to show her entitlement to equitable tolling of the limitation period. Therefore, petitioner's habeas action is time-barred. Accordingly, Petitioner's motion is **DENIED**, the Government's motion to dismiss is **GRANTED**, and this action is **DISMISSED WITH PREJUDICE**. The Court adopts the Magistrate Judge's Memorandum and Recommendation in full.

SIGNED at Houston, Texas, this 20th day of October, 2005.



MELINDA HARMON
UNITED STATES DISTRICT JUDGE

